

M1023/0067  
cc: Wayne



## United States Department of the Interior

### BUREAU OF LAND MANAGEMENT

Fillmore Field Office

95 E 500 N

Fillmore, UT 84631

<http://www.blm.gov/ut/st/en/fo/fillmore.html>



RECEIVED

JAN 14 2014

DIV. OF OIL, GAS & MINING

IN REPLY REFER TO:  
3809 (UTW02000)  
UTU-79454

January 9, 2014

CERTIFIED MAIL # 7012 3460 0000 6633 0762  
RETURN RECEIPT REQUESTED

### DECISION

George Finnegan :  
West Desert Granite : 43 CFR 3809  
12430 South Redwood Road : Surface Management Notice  
P.O. Box 1178 :  
Riverton, UT 84065 :

### Operation Abandoned – Reclamation Required

Operation Abandoned – Your Notice for dimension stone on the south side of Desert Mountain, Juab County, Utah has been inactive for some time. This Notice is located in aliquot parts of section 35, Township 12 South, Range 07 West, Salt Lake Meridian. Some unauthorized blasting activity and two powder magazines were noted by the State of Utah on October 18, but the violations were determined to be premature activities of a contractor.

Since your Notice operation has been expired and inactive for an extended time period, BLM has the authority to classify your site as abandoned under the Code of Federal Regulations (CFR) in 43 CFR § 3809.336(a). As specified in 43 CFR § 3809.336(b), if you abandon a site without reclamation, BLM may complete the reclamation and hold you liable for the expenses.

Your Notice was assigned Bureau of Land Management (BLM) case file number UTU-79454 when it was established on April 27, 2000. Please refer to this number for any future communication concerning the Notice. The corresponding case file number with the Utah Division of Oil, Gas, and Mining (UDOGM) is M/023/0067.

Notice Expired – Your Notice expired on January 20, 2003. As specified by the Code of Federal Regulations (CFR) in 43 CFR § 3809.335(a), when your Notice expires, you must – (1) Cease operations, except reclamation, and (2) Complete reclamation promptly according to your Notice. As stated in 43 CFR § 3809.335(b), your reclamation obligations continue beyond the expiration or any termination of your Notice until you satisfy them.



Change of Operator – An application to transfer operators was judged deficient by UDOGM on January 14, 2013. A Change of Operator application must also be submitted to the BLM before any transfer from one operator to another is completely approved. Any additional activity at the site, other than reclamation, must be preceded by submission of a new Notice proposal for exploration or a Plan of Operations proposal for mining. A copy of Form 3809-5, Change of Operator Liability, is attached with this letter for your convenience if you are seeking to transfer operations to another entity.

Reclamation Required – Within 30 days of issuance of this decision, you must commence reclamation activity required by your Notice on file with the BLM and with regulations as specified in 43 CFR. Surface disturbance areas such as the access road and quarry area must be regraded to conform to the surrounding topography. Reshaped surfaces must be covered with a soil growth medium and the surfaces must be seeded with an appropriate seed mix. The seed mix will be provided by the BLM Fillmore Field Office upon request.

All initial reclamation activity, including required earthwork and reseeding, must be completed within 60 days of this decision or within 60 days of the initiation of activities after notification to the BLM of the reason for delay. BLM resource specialists will continue to monitor your progress in meeting your reclamation obligations, including the success of the re-vegetation in the disturbed area. The BLM will inform you when all reclamation standards have been met and whether your obligations are complete.

Should you fail to commence reclamation within 30 days of this decision or fail to complete necessary reclamation within 60 days of issuance of this decision, BLM will initiate reclamation procedures and the bill for reclamation will be sent to you as the responsible party. If necessary, collection procedures will be initiated if the reclamation bill is not paid, as specified under 43 CFR § 3809.336(b).

If you are unable to initiate reclamation activities due to weather or other factors, contact the BLM Fillmore Field Office to explain the reason for the delay. The BLM will work with you to prepare a schedule so that you may complete reclamation to BLM standards and avoid an outstanding bill.

Appeal of the Decision - If you do not agree and are adversely affected by this decision, in accordance with 43 CFR §3809.800, you may request that the BLM Utah State Director review this decision. If you request a State Director review, the request must be received in the BLM Utah State Office at:

Utah State Office  
Bureau of Land Management  
440 West 200 South, Suite 500  
Salt Lake City, Utah 84101-1345

The request must be received no later than 30 calendar days after you receive this decision. A copy of the request must also be sent to the FFO. The request must be in accordance with the provisions provided in 43 CFR §3809.805. If a State Director review is requested, this decision will remain in effect while the State Director review is pending, unless a stay is granted by the



State Director. Standards for obtaining a stay are given below. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

If the State Director does not make a decision regarding your request for review of this decision within 21 days of the BLM's receipt of the request, you should consider the request declined and you may appeal this decision to the Interior Board of Land Appeals (IBLA). You may contact the BLM Utah State Office to determine when the BLM receives the request for State Director Review. You have 30 days from the end of the 21 day period in which to file your notice of appeal with the IBLA (see procedures below).

If you wish to bypass a State Director review, this decision may be appealed directly to the IBLA in accordance with the regulations contained in 43 CFR Part 4 and the enclosed Form 1842-1. If an appeal is taken, your notice of appeal must be filed in the FFO at:

Fillmore Field Office  
Bureau of Land Management  
95 East 500 North,  
Fillmore, Utah 84631

Your notice of appeal must be filed within 30 days from the receipt of this decision. The appellant has the burden of proof showing that the decision appealed from is in error.

If you wish to file a petition pursuant to regulations 43 CFR 4.21 for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the IBLA, the petition for a stay must accompany your notice of appeal.

A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of this notice of appeal and petition for a stay must also be submitted to each party named in the decision and to the IBLA and to the appropriate Office of the Solicitor (see 43 CFR 4.413) at the same time the original documents are filed with the FFO. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

#### Standards for Obtaining a Stay

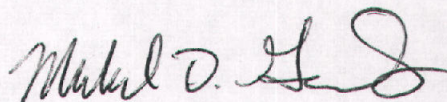
Except as otherwise provided by law or other pertinent regulation, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards:

1. The relative harm to the parties if the stay is granted or denied
2. The likelihood of the appellants success on the merits
3. The likelihood of immediate and irreparable harm in the stay is not granted
4. Whether the public interest favors granting the stay



If you have any questions or concerns please contact Duane Bays, Natural Resource Specialist, Fillmore Field Office, at (435) 743-3115.

Sincerely,



Michael D. Gates  
Field Office Manager

Enclosures:

Form 1842-1  
Form 3809-5

cc: Opie Abeyta and Rita Stelmach  
Utah State Office  
Bureau of Land Management  
440 West 200 South, Suite 500  
Salt Lake City, Utah 84101-1345

Paul Baker  
UDOGM  
1594 W North Temple Ste 1210  
SLC, UT. 84114-5801

Mr. Eric S. Lewis  
P.O. Box 681271  
Houston, Texas 77268

Resource Design Solutions  
c/o West Desert Granite  
9192 South 300 West, Suite 32  
Sandy, UT 84070